

Meeting of the Town Board, Town of Yorktown held on December 2, 2014 at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York.

Present: Michael J. Grace, Supervisor  
Terrence P. Murphy, Councilman  
Vishnu V. Patel, Councilman  
Susan Siegel, Councilwoman

Also Present: Alice E. Roker, Town Clerk  
Jeannette Koster, Town Attorney

#### TOWN BOARD MEETING

Supervisor Michael J. Grace called the meeting to order.

#### EXECUTIVE SESSION

Upon motion made by Councilman Murphy, seconded by Councilman Patel, the Town Board moved into Executive Session on Advice of Council.

Upon motion made by Councilman Murphy, seconded by Councilman Patel, the Town Board moved out of Executive Session

#### PLEDGE OF ALLEGIANCE

Eagle Scout Frank A. Heagle led the Pledge of Allegiance.

#### MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces.

DURING REPORTS FROM THE TOWN SUPERVISOR, Supervisor Grace spoke about the Shell Gas Station at the corner of Routes 35/202 and 118. The gasoline station closed because the lease on the property expired and the property owner did not want to renew the lease. The Holiday Lights Parade will be on Saturday evening.

#### DURING REPORTS FROM TOWN BOARD MEMBERS:

Councilman Patel asked Frank A. Heagle to speak about his Eagle Project.

Frank A. Heagle stated that he wrote, directed and produced Public Service Announcement (PSA) promoting breast cancer awareness.

Councilman Patel congratulated Susan Siegel and spoke about the Holiday Exhibit at the Yorktown Museum.

Councilman Murphy spoke about the Holiday Lights Parade.

Councilwoman Susan Siegel thanked the residents of Yorktown. She has a new email address and will have a telephone extension in Town Hall shortly.

#### RESOLUTIONS – NOVEMBER 18, 2014

The Town Board approved the resolutions from November 18, 2014

#### COURTESY OF THE FLOOR, During Courtesy of the Floor the following people addressed the Town Board:

Mr. Ray Arnold asked the Town Board if there was money in the 2015 Budget to pay for his proposal to codify the Town Code.

Mr. Ed Ciffone questioned the Town Board about why there would be an increase in taxes when the Town is sitting on substantial fund balances.

#### COURTESY OF THE FLOOR – CLOSED

CALL FOR A SPECIAL ELECTION TO FILL THE  
COUNCIL SEAT VACATED BY COUNCILMAN BIANCO  
RESOLUTION #490

Upon motion made by Councilman Murphy, seconded by Supervisor Grace,

The Town Board calls for a Special Election to be held to fill the Council seat vacated by Councilman Bianco.

Murphy, Grace    Voting    Aye  
Patel, Siegel    Voting    Nay  
Resolution fails

CALL FOR A SPECIAL ELECTION TO FILL THE  
COUNCIL SEAT VACATED BY COUNCILMAN BIANCO  
RESOLUTION #491

Upon motion made by Supervisor Grace, seconded by Councilman Murphy,

The Town Board calls for a Special Election to be held to fill the Council seat vacated by Councilman Bianco.

Murphy, Grace    Voting    Aye  
Patel, Siegel    Voting    Nay  
Resolution fails

REBID PURCHASE AND INSTALLATION OF BOILER  
WATER DEPARTMENT  
RESOLUTION #492

Upon motion made by Councilman Murphy, seconded by Councilman Patel,

Resolved, that the Town Board approves the Water Superintendent to re-bid the Purchase and Installation of a Boiler at the Water Department, 1080 Spillway Road, Shrub Oak, NY.

Grace, Murphy, Patel, Siegel    Voting    Aye  
Resolution adopted.

REBID PLUMBING WORK FOR THE EMERGENCY GENERATOR AT THE  
YCCC – BUILDING AND GROUNDS DEPARTMENT  
RESOLUTION #493

Upon motion made by Councilman Murphy, seconded by Councilman Patel,

Resolved, that the Town Board approves the Building and Maintenance Department to re-bid the Plumbing Work for the Emergency Generator at the YCCC.

Grace, Murphy, Patel, Siegel    Voting    Aye  
Resolution adopted.

ACCEPT RESIGNATION  
ANN KUTTER – PLANNING BOARD  
RESOLUTION #494

Upon motion made by Councilman Murphy, seconded by Councilman Patel,

Resolved, that the Town Board accepts the resignation of Ann Kutter from the Planning Board.

Grace, Murphy, Patel, Siegel    Voting    Aye  
Resolution adopted.

BID - DEMOLISH AND REMOVE A BARN AT GRANITE KNOLLS

Supervisor Michael Grace asked to hold this resolution over until the next Town Board meeting.

APPROVE BID – MEMBRANE FILTRATION MODULE REPLACEMENT FOR THE YORKTOWN HEIGHTS SEWAGE TREATMENT PLANT – BID #14-8. RESOLUTION #495

Upon motion made by Councilman Murphy, seconded by Councilman Patel,

Engineering Department - Membrane Filtration Module Replacement for the Yorktown Heights Sewage Treatment Plant, Bid #14-8.

BIDS were received December 1, 2014 for the Membrane Filtration Module Replacement for the Water Pollution Control Plant, Bid #14-8, and are summarized as follows:

Evoqua Water Technologies	\$896,382.00
UAP, Inc.	\$906,300.00

WHEREAS, the existing membrane flow rate is approximately 300-400 gpm (new flow rates are approximately 700-800 gpm) and are at the end of their estimated useful life, and

WHEREAS, the New York City Department of Environmental Protection (NYCDEP) will reimburse the Town of Yorktown one hundred percent (100%) for the total sum of the project, \$896,382.00 as part of its agreement with the Town of Yorktown for the operation and maintenance of upgrades required by the city's watershed regulations, NOW, THEREFORE BE IT

RESOLVED, that the bid for the Membrane Module Replacement for the Water Pollution Control Facility, Bid #14-8 be awarded to Evoqua Water Technologies, at a total sum of \$896,382.00.

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted.

AUTHORIZE THE SUPERVISOR TO SIGN AN AGREEMENT WITH PMA MANAGEMENT COMPANIES FOR THIRD PARTY ADMINISTRATORS RESOLUTION #496

Upon motion made by Councilman Murphy, seconded by Councilman Patel,

Authorize the Supervisor to sign an agreement with PMA Management Companies

Whereas the Town of Yorktown advertised a Request for Proposals (RFP) for Third Party Administrators to manage the Town's self-insured Worker's Compensation Program and

Whereas PMA Management Corporation has provided a proposal to the Town,

Now therefore be it resolved the Town Board hereby authorizes the Supervisor to sign a three year contract with

PMA Companies  
5789 Widewaters Parkway  
Dewill, NY 13214

to provide the services of Worker's Compensation Third Party administrator for the Town of Yorktown at an annual cost of \$26,000 effective January 15, 2015 with two additional one year extensions

and be it further resolved that the Town Board authorizes the Supervisor to terminate the agreement with the Town's current Worker's Compensation Third Party administrator

POMCO, Inc  
2425 James Street

Syracuse. NY 13206

As of January 15, 2015 by mailing certified notification / return receipt requested providing 30 days written notice

Grace, Murphy, Patel Voting Aye  
Siegel Abstain  
Resolution adopted.

AUTHORIZE PAYMENT FOR INSTALLATION OF WORK DONE ON  
EMERGENCY GENERATOR AT YCCC  
RESOLUTION #497

Upon motion made by Councilman Murphy, seconded by Councilman Patel,

RESOLVED, the Town Board authorizes the following budget transfer to disburse payment to A-Amp Inc and Ciarcia Engineering PC for electrical and engineering work performed to install an emergency generator at the Yorktown Community and Cultural Center.

From:  
A.1990.499 Contingency \$55,000.00

To:  
A1625.416.3 Building Maintenance Generator \$55,000.00

Grace, Patel, Siegel Voting Aye  
Murphy Voting Nay  
Resolution adopted.

AUTHORIZE THE TOWN CLERK TO REFER OUT THE REQUEST FOR  
REZONING OF MANDALAY BUILDERS, LLC – CROMPOND TERRACES  
RESOLUTION #498

Upon motion made by Councilman Murphy, seconded by Councilman Patel,

RESOLVED, that the Town Clerk is hereby authorized to refer the application received from Petitioner: Mandalay Builders, LLC in connection with property known on the Yorktown Tax Rolls as Section, Parcel and lots 26.18-1-11, 26.18-1-12, 26.18-1-14, 26.18-1-15, 26.18-1-16 for a Change of Zone from R1-20 to C2 and R-3 to the appropriate agencies for their review and/or recommendation, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency, and

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendations by January 9, 2014, and

BE IT FURTHER RESOLVED, that a Public Hearing is scheduled for January 20, 2015.

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted.

ACCEPT MONTHLY REPORTS

The Town Board accepted monthly reports from the Receiver of Taxes and the Building Inspector

REQUEST FOR WETLANDS PERMIT- INSTALLATION OF WATER SERVICE  
3721 GOMER STREET

Supervisor Grace called to order a Public Hearing on an application to provide for the installation of water service through the wetland buffer along an existing driveway at 3721 Gomer Street. The Town Clerk presented affidavits of Publication and Posting.

Supervisor Grace read a memorandum from the Planning Board stating that they have no planning objections to the issuance of a Full SWPPP, Wetland and Tree Permit. Comments from the Acting Town Engineer were incorporated into a proposed resolution written by Bruce Barber, the Environmental Consultant.

Mr. Alex Taranko, a nearby resident asked that the town require the developer to run the water service line along the other side of the road so that his driveway and landscaping is not disturbed.

Mr. Steve Burns, the Engineer for the applicant explained why he placed the proposed water line where it is.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed. Upon motion made by Councilman Murphy, seconded by Councilwoman Siegel.

DECISION – REQUEST FOR WETLANDS PERMIT  
TO RUN A WATER LINE ALONG AN EXISTING DRIVEWAY  
RESOLUTION #499

Upon motion made by Councilman Murphy, seconded by Councilman Patel,

WHEREAS, the applicant proposes to construct a detached, two bedroom, single family residence, driveway, septic system, water service and associated improvements (the action) on a 3.70 acre parcel situated in an R1-20 zoning district and,

WHEREAS, the action will require greater than 5,000 square feet of land disturbance, and

WHEREAS, pursuant to Chapter 248 of the Town of Yorktown Town Code entitled “Stormwater Management and Erosion and Sediment Control” a stormwater permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the action is located, in part, in a Town of Yorktown jurisdictional wetland buffer, and

WHEREAS, the applicant proposes to install a water service in a previously disturbed area of wetland buffer located approximately 80 feet from a Town of Yorktown jurisdictional wetland resulting in a temporary disturbance of 960 square feet of wetland buffer; and

WHEREAS, pursuant to Chapter 178 of the Town of Yorktown Town Code entitled “Freshwater Wetlands” a wetland permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant proposes to remove 39 protected trees on the property, and

WHEREAS, pursuant to Chapter 270 of the Town of Yorktown Town Code entitled “Trees” a tree permit is required for the proposed action in which the Town Board serves as approval authority, and

WHEREAS, the applicant has submitted a Town of Yorktown tree, wetland and stormwater permit application WP-T-BSWPP-026-11, dated October 16, 2014; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), dated October 15, 2014; and

WHEREAS, the Town of Yorktown Planning Board has provided a memorandum dated November 25, 2014 which indicates that there are no Planning objections; and

WHEREAS, the Town of Yorktown Environmental Consultant has provided a review

letter dated November 30, 2014, and

WHEREAS, the applicant has provided an on-site wastewater treatment system approval executed by the Westchester County Department of Health dated August 19, 2014; and

WHEREAS, the Town of Yorktown Building Inspector has determined that zoning variances for the proposed action are not required, and

WHEREAS, the proposed action has been determined to be a Type II Action under the State Environmental Quality Review Act (SEQRA) and additional environmental review is not required; and

WHEREAS, a duly noticed public hearing was opened on December 2, 2014 in order to solicit comments from the public regarding the proposed action, and

NOW THEREFORE BE IT RESOLVED THAT, the public hearing for the Tree, Wetland and Stormwater Permit is hereby closed; and

BE IT FURTHER RESOLVED THAT, the following plans and documents are approved subject to the below-listed conditions;

- Plan entitled; “Subsurface Sewage Disposal System for Gomer Street Associates” prepared by Burns Engineering Services, P.C., originally dated 01/25/14 with the most recent revision date of 08/25/14, 1 sheet.
- Plan entitled; “Proposed Plot Plan and Wetland Disturbance Plan for Jody Bellamy prepared by Burns Engineering Services, P.C. dated 10/30/14, 1 sheet.
- Plans entitled; “House Plans for Jody Bellamy” prepared by Burns Engineering Service, P.C. (undated), 4 total sheets.
- Town of Yorktown Tree, Wetland and Stormwater Permit application dated 10/15/14 executed by Jody Bellamy.
- Short-form Environmental Assessment Form dated 10/15/14 executed by Jody Bellamy.

BE IT FURTHER RESOLVED THAT, the Wetland, Tree and Stormwater Permit is granted subject to the signing of the plans by the Town Supervisor and shall be valid for a period of one year from date of this resolution. All work associated with the Wetland Tree and Stormwater Permit shall be conducted in strict compliance with the approved plans; and

BE IT FURTHER RESOLVED THAT, the Town Environmental Consultant will provide the Town Board with a report stating whether the applicant has complied with the requirements of this Resolution and the approved drawings by the end of the term of this permit, and

BE IT FURTHER RESOLVED THAT, the Wetland, Tree and Stormwater Permit shall automatically expire upon completion of work; and

BE IT FURTHER RESOLVED THAT, the below-listed conditions must be completed within six months of the date of this Resolution. Should the below-listed conditions not be completed within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) within said six month period and granted by the Town Board.

Conditions that must be met prior to the Supervisor signing the Plans:

1. The Town Stormwater Officer shall sign the MS4 acceptance form.
2. All outstanding comments of the Acting Town Engineer and Town Environmental Consultant must be addressed to their written satisfaction. Final reports from the Acting Town Engineer and the Town Environmental Consultant shall be submitted to the Town Board, which shall ensure that all

outstanding comments have been satisfied and shall also address resolution conformance.

3. A construction monitoring fee in the amount of \$1,000.00 must be submitted to the Engineering Department Clerk.
4. The applicant must provide an erosion and sediment control plan/stormwater plan which shall be approved by the Town Engineer.
5. An Erosion and Sediment Control Bond, or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney, shall be submitted to the Town Engineering Department. Said security shall be in the amount of \$3,500.00 which shall be released upon required documentation of satisfactory completion of all work.
6. The applicant must provide a written permit from the Westchester County Department of Health indicating that approval has been granted to the current applicant.
7. The applicant shall provide verification of legal access to the property. Based upon this verification, the water service shall be relocated to be installed on the southern side of the access drive.
8. Road closure permit must be obtained from the Town of Yorktown Highway Superintendent.
9. Water tap permit must be obtained from the Town of Yorktown Water Superintendent.

#### Conditions of the Wetland, Tree and Stormwater Permit

1. The applicant agrees to allow periodic inspections by the Town and its consultants.
2. The Town Environmental Consultant shall inspect the site at the end of construction, but prior to the issuance of a notice of satisfactory completion, to ensure compliance with the stormwater permit.
3. No additional disturbance or modifications is permitted without prior written approval from the Acting Town Engineer.
4. Inspection reports prepared in accordance with NYSDEC requirements shall be conducted every seven days from the commencement of construction and shall be received by the Acting Town Engineer within three calendar days of the date of inspection. Modifications to the approved plans shall be made only with prior Town Engineer approval.
5. A pre-construction meeting with the applicant's contractors and the Town Environmental Consultant must be held prior to the commencement of work. The applicant must contact the Town Engineering Department at 914-962-5722 x220 at least 72 hours in advance of the meeting date to schedule the pre-construction meeting.
6. No work of any kind shall commence on the site without first obtaining a Town of Yorktown Building Permit.

#### Additional Requirements to be Satisfied Subsequent to the Signing of the Plans:

1. The Acting Town Engineer and Town Environmental Consultant must provide written report, no later than at the expiration date of the wetland, tree and stormwater permit, documenting the status of the implementation of the requirements of this resolution.
2. Prior to the issuance of a Certificate of Occupancy, all conditions of this permit must be met and all drainage work on the adjoining property must be completed to the satisfaction of the Acting Town Engineer and Town Environmental Consultant.

DISCUSSION ON THE REQUEST TO OPERATE A CONVALESCENT HOME  
AT 482 UNDERHILL AVENUE, YORKTOWN HEIGHTS, NY

Members of the Town Board participated in this discussion as did the Town Attorney.

ADJOURN

Upon motion made by Councilman Murphy, seconded by Councilman Patel,

The Town Board meeting was adjourned.

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Alice E. Roker, Town Clerk  
Town of Yorktown